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Attorney for the Plaintiff Class

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA**

DOANE ATWOOD, individually and on behalf  
of Class of Persons similarly situated,

Plaintiffs,

v.

CITY OF SAN RAFAEL, CHIEF MATTHEW  
ODETTO, OFFICER ROLEGIO LEON,  
OFFICER ROBERT HENKEL, OFFICER  
RICHARD CLARY, OFFICER AARON  
PIOMBO, EMBASSY SUITES HOTEL, and  
DOES I through X, inclusive,

Defendants.

Case No. CV 08 5002 ~~EMC~~ JSW

**STIPULATION AND ~~[PROPOSED]~~  
ORDER EXTENDING TIME FOR  
ALL DEFENDANTS TO RESPOND  
TO PLAINTIFF'S COMPLAINT**

WHEREAS, the parties have at last scheduled a mediation session for June 2,  
2009 before the Honorable Charles A. Legg (Ret.):

**AGREEMENT**

Pursuant to Civil Local Rule 6-2, the parties hereby stipulate as follows:

1. The Parties will mediate this matter before Honorable Charles A. Legg (Ret.) by  
June 2, 2009.

2. If Mediation is unsuccessful, Defendants CITY OF SAN RAFAEL, CHIEF  
MATTHEW ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER

1 RICHARD CLARY, OFFICER AARON PIOMBO and HILTON HOTEL CORPORATION will  
2 file their responsive pleadings to Plaintiff DOANE ATWOOD'S Complaint by June 7, 2009.

3 3. The Initial Case Management Conference, currently set for April 15, 2009, will be  
4 continued according to June 10, 2009.

5 4. In so stipulating, Defendants expressly retain their rights not to consent to the  
6 jurisdiction of a Magistrate Judge, and request reassignment to a United States District Judge. The  
7 dates set forth in this Court's Order Setting Initial Case Management Conference and ADR  
8 Deadlines are continued accordingly.

9  
10 Respectfully submitted,

11  
12 Date: April 8, 2009

BRUCE NICKERSON

13 By \_\_\_\_\_/s/\_\_\_\_\_  
14 Bruce W. Nickerson  
15 Attorney for Plaintiff  
16 DOANE ATWOOD

17 Date: April 9, 2009

JACKSON LEWIS, LLP

18 By \_\_\_\_\_/s/\_\_\_\_\_  
19 Jamerson C. Allen  
20 Cortney L. McDevitt  
21 Attorneys for Defendant  
HILTON HOTELS CORPORATION

22 Dated: April 9, 2009

BERTRAND, FOX & ELLIOT

23  
24 By \_\_\_\_\_/s/\_\_\_\_\_  
25 Tom Bertrand  
26 Attorney for Defendants  
27 CITY OF SAN RAFAEL, CHIEF  
28 MATTHEW ODETTO, OFFICER  
ROLEGIO LEON, OFFICER  
ROBERT HENKEL, OFFICER  
RICHARD CLARY, and OFFICER  
AARON PIOMBO

PROPOSED ORDER

Based on the foregoing, and good cause so appearing, the Court hereby orders:

1. The Parties will mediate this matter before Honorable Charles A. Legg (Ret.) by June 2, 2009;
2. If Mediation is unsuccessful, Defendants CITY OF SAN RAFAEL, CHIEF MATTHEW ODETTO, OFFICER ROLEGIO LEON, OFFICER ROBERT HENKEL, OFFICER RICHARD CLARY, OFFICER AARON PIOMBO and HILTON HOTEL CORPORATION will respond to Plaintiff DOANE ATWOOD'S Complaint by June 7, 2009;
3. The Initial Case Management Conference, currently set for April 15, 2009, is hereby June 12, 2009 at 1:30 p.m. continued to ~~June 10, 2009~~. A joint CMC statement is due ~~June 3, 2009~~; June 5, 2009.
4. The dates set forth in this Court's Order Setting Initial Case Management Conference and ADR Deadlines are continued accordingly; and
5. Defendants' rights to object to the jurisdiction of the Magistrate Judge and request reassignment to a District Judge are reserved.

Dated: April 14, 2009

  
United States Magistrate Judge  
DISTRICT

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